

**BYLAWS**  
**for**  
**THE EL PASO PUBLIC ARTS COMMISSION**

**PREAMBLE**

**Charter:**

The Public Arts Commission was established on April 9, 2002 by resolution of the City Council pursuant to Ordinance No 15073, for the purpose of acting as an advisory board to the City Council of El Paso, Texas.

**Mission Statement:**

It shall be the mission of the Commission to serve as an advisory board to the Mayor and City Council on all matters concerning the application and administration of the Public Arts Program established by the Ordinance 15073 and Amendment 15245, and to make such recommendations as it considers necessary and appropriate, in a report to the City Council at the end of each fiscal year. More frequent reports may be submitted when deemed appropriate by the Commission.

**Goal:**

It shall be the goal of the Commission to insure that every recommendation by the Commission to the City Council has been carefully considered, and fully researched within the available resources of the Commission, and submitted in what is believed by the Commission, to be the best interest of the general public and the City of El Paso

**ARTICLE I**

**Membership:**

1. The membership of the Commission shall consist of eighteen (18) members who shall be appointed by the Mayor and City Council, in accordance with the provisions of Ordinance 15073 and Chapter 2.04 of the El Paso Municipal Code, as it may be amended.
2. Members serve a term of three (3) years and may be re-appointed; however, no person who has been appointed to two consecutive terms shall be eligible for reappointment to the Commission for the next consecutive term nor to fill any vacancy during the next consecutive term, or as otherwise provided by ordinance.
3. When the term of office of any member of the Commission expires, the member shall continue to serve until his/her successor is appointed and qualified, or until thirty (30) days have passed following the expiration of the term, whichever occurs first, or as otherwise provided by ordinance.
4. Any "holding over" past the thirty-day period is prohibited, and after that time a vacancy on the Commission will exist and the former member will have neither the power to vote nor the authority to participate in Commission proceedings as a member.

5. All terms shall commence on the day that the prior term expires regardless of the date the appointment for that term is made.

## ARTICLE II

### Officers:

1. Officers of the Commission shall be the Chairperson and the Vice-Chairperson, who shall be elected annually by and from among no less than a quorum of the appointed, voting members of the Commission.
2. Nominations for office shall be made by open nominations at the regularly scheduled meeting for the election, and the vote shall be made by open ballot.
3. Election of officers shall take place as the first order of business at the regularly scheduled meeting for the month of April, and the Officers-elect shall assume office immediately upon the close of the election proceedings.
4. The duties of the officers shall be those usually pertaining to their respective offices. The Chairperson shall represent the Commission before City Council. In the absence of the Chairperson, the Vice-chairperson shall represent the Commission. The Chairperson may appoint any Commission member to appear in his/her behalf.
5. The Director of the Arts and Culture Department of the City shall act as non-voting, Executive Secretary to the Commission, shall provide the Commission with all information and support necessary for the proper performance of its responsibilities, and shall maintain a written record of all meetings, resolutions, transactions, determinations and findings of the Commission.
6. Office vacancies shall be immediately filled by temporary appointment by the presiding officer. The original vacancy shall be filled by election within sixty (60) days.

## ARTICLE III

### Meetings:

1. The Commission shall schedule not less than ten (10) regular meetings each year, to be held in each month except for January and July.
2. Regular Meeting Notices, including the Agenda, shall be posted to each member and to the public upon at least seventy-two (72) hours prior to the date and time of the meeting.
3. The Commission shall meet, upon at least seventy-two (72) hours verbal or written notice to each member and to the public, at the call of the Chairperson, at such other times as may be reasonably necessary.
4. Commission Meetings shall be conducted in accordance with the Texas Open Meetings Act.
5. Reference is made to Chapter 2.04, Section 2.04.010 of the El Paso Municipal Code, which reads:  
"When a member of any city board or committee is absent from three consecutive meetings of the

board or committee, the chairman, vice-chairman or secretary of the committee shall report this fact to the mayor and city council so that consideration may be given to removal of such member.” It is the intention of the Commission that any extenuating circumstances regarding such absences will also be presented to the Mayor and City Council as part of such report.

#### **ARTICLE IV**

##### **Quorum:**

1. A quorum shall consist of ten (10) regularly appointed, qualified, voting Commission members.
2. No final action shall be taken on any matter except pursuant to the majority vote of a quorum.
3. The minutes of the Commission shall reflect the names of the Commission members and ex-officio members present.

#### **ARTICLE V**

##### **Voting:**

1. A quorum shall be required to vote on any question.
2. A majority of votes cast by those members present and voting, a quorum being present, shall carry all motions, except when inconsistent with the laws of the State of Texas, or the Charter and Ordinances of the City or in conflict with these Bylaws.
3. Once discussion on an agenda item has commenced, no member shall leave his/her seat until the vote has been taken.
4. Each regularly appointed member, except the Chair, shall be entitled to one vote on any matter that may come before the Commission.
5. The Chair may vote to break a tie, create a tie, or in situations where State law or City Charter and Ordinances require approval by more than a simple majority of the Commission.

#### **ARTICLE VI**

##### **Ethics:**

1. All actions taken by the Commission members shall be consistent with the Ethics Ordinance of the City of El Paso.
2. Any member of the Commission who has a professional or financial interest in any specific matter to be presented before the Commission shall not participate in any discussion or action taken with respect to that specific matter.

3. Whenever a Commission member is called upon or chooses to express an opinion concerning Commission activities or policies at public or private functions, that member shall indicate whether or not he/she is expressing a personal opinion or is representing the Commission and is expressing an Official position. Expression of an official position by any board member may only be made with authorization from the Commission.

## **ARTICLE VII**

### **Order of Business:**

1. In accordance with the provisions of Chapter 2.28 of the El Paso Municipal Code, the Commission shall adopt, subject to approval of the Board, such rules and regulations for the conduct of its proceedings as may be deemed proper and not inconsistent with the laws of the State of Texas, or the Charter and Ordinances of the City.
2. The Commission hereby adopts the rules of order attached hereto as Exhibit "A," which will govern the business proceedings of the Commission, except when inconsistent with the laws of the State of Texas, or the Charter and Ordinances of the City or in conflict with these By-laws.

## **ARTICLE VIII**

### **Sub-Committees:**

1. Sub-committees of the Commission may, from time to time, be appointed by the Chair to assist the Commission in the performance of its functions.
2. The Chair may designate the sub-committee chairperson or may delegate that responsibility to the sub-committee, which shall elect a chairperson from among its members.
3. Sub-committees shall consist of at least one Commission member and may consist of as many subject matter experts as deemed necessary by the Commission Chair.
4. Progress reports of activities and minutes of sub-committee meetings shall be submitted monthly, if applicable, to the Commission at the regular Commission Meetings.
5. These Bylaws shall apply to and govern the activities of all sub-committees.

## **ARTICLE IX**

### **Amendments:**

1. The Commission, by a majority vote of not less than a quorum of its voting members, may amend, alter or rescind these Bylaws at any regular meeting, after not less than thirty (30) days written notice to the voting membership. Any amendment, alteration, or rescission must be presented to and approved by the City Council.

## ARTICLE X

### **Decorum and Debate:**

1. When a Commission member desires to speak or introduce a motion, such member shall address the Chair and upon being recognized, may address the membership.
2. When more than one member addresses the Chair, the chair shall recognize by name, the first member to address the Chair.
3. No member shall interrupt another, *except to call a point of order or to correct a mistake.*

## ARTICLE XI

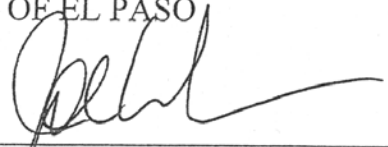
### **Participation by Employees and the Public:**

1. When an officer, an employee of the City, or an ex-officio member desires to speak, such person shall address the Chair, and upon being recognized, state his/her name and position with the City and then speak.
2. On calls to the audience, a person desiring to speak shall address the Chair, and upon being recognized, state his/her name, address and whom such person represents and state the subject matter.
3. No person shall interrupt the proceedings, as orderly procedure requires that each person be permitted to proceed without interruption from the audience, that all arguments be addressed to the Commission, and that there be no questioning or arguments between individuals; therefore, matters of public hearing before the Commission shall be presented in the following format:  
  
    Presentation by staff,  
    Presentation by proponents,  
    Presentation by opponents,  
    Rebuttal by proponents.
4. The Chair may stagger presentation by one proponent and one opponent, or may ask for full presentations in the above order.
5. The Commission members may ask questions and make appropriate comments; however, no member may argue or debate any issue with members of the public.
6. A majority of the membership may take the matter under advisement for later consideration and determination, or may defer action when it concludes that additional evidence is needed or further study is required.

All previous Bylaws adopted by the Commission and approved by City Council are hereby rescinded.

PASSED AND APPROVED THIS 14<sup>TH</sup> DAY OF OCTOBER, 2003.

CITY OF EL PASO



Joe Wardy  
Mayor

ATTEST:



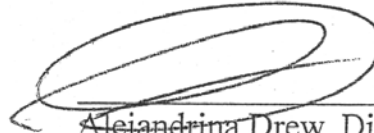
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



John F. Nance  
Assistant City Attorney

APPROVED AS TO CONTENT:



Alejandrina Drew, Director  
Arts & Culture Department

## **RULES OF ORDER FOR MEETINGS OF THE EL PASO PUBLIC ARTS COMMISSION**

### **SECTION 1. PURPOSE OF RULES**

These Rules of Order are adopted pursuant to Section 2.28.050 of the El Paso Municipal Code as a procedural guide for the benefit of the El Paso Public Arts Commission (the "Commission") and for the general information of the public. These rules shall apply to regular or special meetings at which action is to be taken, but shall not apply to meetings for committees of the Commission or to informational gatherings of the Commission.

### **SECTION 2. EFFECT OF FAILURE TO FOLLOW THESE RULES**

No action of the Commission which is otherwise legal shall be invalidated merely by reason of the Commission's failure to follow these Rules of Order, unless the majority of the Commission agrees that such action shall be invalidated.

### **SECTION 3. STANDING**

No one other than a member of the Commission shall have standing to assert before the Commission that any action taken by the Commission is invalid by reason of the Commission's failure to comply with these Rules of Order.

### **SECTION 4. SUSPENSION OF RULES**

These rules may be suspended temporarily by a majority of the Commission members present, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

## **SECTION 5. PRESIDING OFFICER**

The Chairperson ("Chair") shall preside at all meetings of the Commission, but if for any reason he is absent from the meeting, sick or unable to act, then the Vice Chairperson ("Vice Chair") shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Chair, except that the Vice Chair shall vote as a member of the Commission. In the absence or inability of both the Chair and the Vice Chair, the member of the Commission senior in service shall preside and shall vote as a member. Upon the arrival of the Chair or the Vice Chair, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Commission.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Commission, and shall state questions coming before the Commission as necessary for clarity, and shall announce the decision of the Commission on all subjects.

## **SECTION 6. QUESTIONS OF ORDER**

All questions of order shall be decided by the presiding officer with the right of appeal from his decision to the Commission that is present, the majority of whom may override the decision.

## **SECTION 7. VOTING**

The Director of the Arts and Culture Department or her designee shall call the roll beginning with the member seated furthest to the Chair's right and continuing in that order; provided, however, that if there is no objection from any member, a simultaneous voice vote of all members may be taken. Records of such roll call or simultaneous vote shall be incorporated in the Minutes of the meeting.

## **SECTION 8. RECORDED DEBATE**

A member may request, through the presiding officer, to have an abstract of his statement on any subject under consideration by the Commission entered in the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Commission.



## **SECTION 9. ORDER OF PRECEDENCE OF MOTIONS**

A motion to adjourn shall take precedence over all other motions and shall be non-debatable; however, if such a motion is made prior to the disposition of all agenda items, the motion to adjourn must be approved by two-thirds of all Commission members present.

A motion to postpone shall take precedence over all other motions except the motion to adjourn, and shall be non-debatable.

## **SECTION 10. MOTION TO RECONSIDER**

A motion to reconsider any action taken by the Commission may be made at any time prior to adjournment of the same meeting at which such action was taken.

## **SECTION 11. OBTAINING THE FLOOR**

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the question under consideration.

## **SECTION 12. RIGHT OF CITIZENS TO BE HEARD**

Any citizen of the City of El Paso shall have a reasonable opportunity to be heard at all public hearings of the Commission in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of Commission affairs or business which is posted in the meeting notice and is within the scope of the authority and legislative functions of the Commission; provided, however, that the time allowed for each citizen's appearance before Commission may be limited to a fixed time at the discretion of the presiding officer.

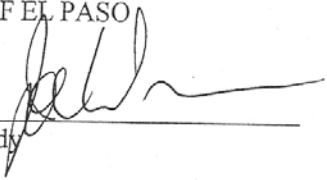
No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

## **SECTION 13. PARLIAMENTARIAN**

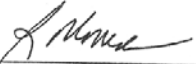
The City Attorney and the Assistant City Attorney are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

PASSED AND APPROVED THIS 14th DAY OF OCTOBER, 2003.

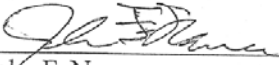
CITY OF EL PASO

  
\_\_\_\_\_  
Joe Ward  
Mayor

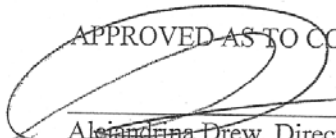
ATTEST:

  
\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John F. Nance  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Alejandra Drew, Director  
Arts & Culture Department